

16354  
Image

Attorney Docket No. 0800-0026

PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 11/24/03.

By: [Signature]

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Ozawa et al.

Serial No.: 09/932,451

Examiner: B. Whiteman

Confirmation No.: 3418

Art Unit: 1635

Filed: August 17, 2001

For: ADENO-ASSOCIATED VIRUS-MEDIATED DELIVERY OF ANGIOGENIC FACTORS

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(c)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,  
Applicant(s) hereby submits the following information in conformance with 37 C.F.R.  
§§1.97 and 1.98.

- ☒ Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO/SB/08 is enclosed.
- ☐ No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. \_\_\_ to which the above-identified application claims priority under 35 U.S.C. §120.
- ☒ Publication(s) B1-C4 listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to PCT/IB01/01902 and mailed on December 11, 2002.

- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. English language publication \_\_\_\_\_ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) \_\_\_\_\_ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) \_\_\_\_\_ cited in the attached Form PTO/SB/08A.
- ☐ Enclosed is a copy of pending patent Application Serial No. \_\_\_\_\_.

This Information Disclosure Statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing of:

- ☒ a final action under 37 C.F.R. § 1.113;
- ☐ a notice of allowance under 37 C.F.R. § 1.113; or
- ☐ an action that otherwise closes prosecution in this application.

In accordance with 37 C.F.R. § 1.97(c) also enclosed is:

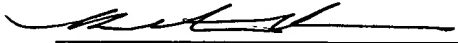
- ☒ Fee under 37 C.F.R. § 1.17(p) in the amount of \$180.00; or
- ☐ Statement as specified in 37 C.F.R. § 1.97(e):
  - ☐ Each item of information contained in the Information Disclosure Statement cited herein was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
  - ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, having made a reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

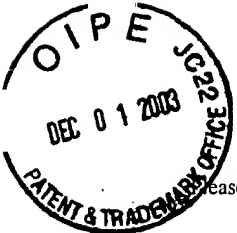
Dated: 11/24/03

Respectfully submitted,

Robins & Pasternak LLP  
1731 Embarcadero Road, Suite 230  
Palo Alto, CA 94303  
Tel: (650) 493-3400  
Fax: (650) 493-3440

By:   
Roberta L. Robina  
Reg. No. 33,208





Please type a plus sign (+) inside this box →

+

PTO/SB/08A (08-00)

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	09/932,451
				Filing Date	August 17, 2001
				First Named Inventor	Ozawa et al.
				Group Art Unit	1635
Examiner Name	B. Whiteman				
Sheet	2	of	2	Attorney Docket Number	0800-0026

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>1</sup>	
	C1	Fisher, K.J. et al., "RECOMBINANT ADENO-ASSOCIATED VIRUS FOR MUSCLE DIRECTED GENE THERAPY", <i>Nature Medicine</i> , 3(3):306-312 (1997)		
	C2	Gowdak L.H.W. et al., "INDUCTION OF ANGIOGENESIS BY CATIONIC LIPID-MEDIATED VEGF <sub>165</sub> GENE TRANSFER IN THE RABBIT ISCHEMIC HINDLIMB MODEL", <i>Journal of Vascular Surgery</i> , 32(2):343-352 (2000)		
	C3	Shimpo et al., AAV-MEDIATED VEGF GENE TRANSFER INTO SKELETAL MUSCLE STIMULATES ANGIOGENESIS AND IMPROVES BLOOD FLOW IN A RAT HINDLIMB ISCHEMIA MODEL", <i>Cardiovascular Research</i> , 53(4):993-1001 (2002)		
	C4	Su et al., "ADENO-ASSOCIATED VIRAL VECTOR-MEDIATED VASCULAR ENDOTHELIAL GROWTH FACTOR GENE TRANSFER INDUCES NEOVASCULAR FORMATION IN ISCHEMIC HEART", <i>PNAS</i> , 97(25):13801-13806 (2000)		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number.

<sup>1</sup> Applicant is to place a check mark here if English language Translation attached.